

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT F. BURY,

Plaintiff,

v.

NCS POWER, INC., et al.,

Defendants.

CASE NO. C12-5641 BHS

ORDER DENYING
DEFENDANTS' MOTIONS TO
DISMISS

This matter comes before the Court on Defendant Lumeria Research, Inc.'s ("Lumeria") motion to dismiss (Dkt. 11) and Defendant Leanne Erdelbrock's ("Erdelbrock") motion to dismiss (Dkt. 13).

On July 19, 2012, Plaintiff Robert Bury filed a complaint against numerous defendants, including Lumeria and Erdelbrock. Dkt. 1. On August 14, 2012, Lumeria filed its motion to dismiss (Dkt. 11), and on August 16, 2012, Erdelbrock filed her motion (Dkt. 13). On August 24, 2012, Bury filed an amended complaint (Dkt. 19) and a combined response to both motions to dismiss (Dkt. 20). Neither Lumeria nor Erdelbrock replied.

1 A party may file an amended complaint within 21 days after a responsive pleading
2 or a motion to dismiss. Fed. R. Civ. P. 15(a)(1)(B).

3 In this case, Bury timely filed an amended pleading. Bury contends that the
4 amended pleading cures the deficiencies addressed in the motions to dismiss. Dkt. 29.
5 Without addressing whether Bury has stated an adequate claim for relief, the Court does
6 find that Bury has overcome the deficiencies set forth in Lumeria and Erdelbrock's
7 motions. Therefore, the Court **DENIES** the motions to dismiss.

8 **IT IS SO ORDERED.**

9 Dated this 18th day of September, 2012.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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